

**PUBLIC MEETING
September 7, 2010
MINUTES**

Chairman Mike Murray called the meeting to order at 9 a.m.
Commissioner Derek Brown and Commissioner Andy Hunthausen were present.
Others attending all or a portion of the meeting included Eric Bryson, Rebecca Shaw, Lindsay Morgan, Audra Zacherl, Misty Edwards, Cheryl Green, Laura Erikson, Larry Hoffman, Dave Carr, Mark Simonich, Kim Smith, Randy Gazda, John Wilson, Eliza Frazer, Michael Downey, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-284 Ordering a Refund of Taxes/Fees/Assessments Paid by John and Mary Grant in the Amount of \$527.31. (Cheryl Green)
- b. Resolution 2010-285 Ordering a Refund of Taxes/Fees/Assessments Paid by DAC Property Investors LLC in the Amount of \$932.55, plus \$1.22 in Interest for a Total Refund of \$933.77. (Cheryl Green)
- c. Resolution 2010-286 Declaring County Property Surplus Property. (Amy Reeves)
- d. Resolution 2010-287 Ordering a Refund of Taxes/Fees/Assessments Paid by United Way of Lewis and Clark County in the Amount of \$1,371.97. (Cheryl Green)
- e. Resolution 2010-288 Ordering a Refund of Taxes/Fees/Assessments Paid by Broken O Ranch LLC in the Amount of \$493.93. (Cheryl Green)
- f. Resolution 2010-289 Ordering a Refund of Taxes/Fees/Assessments Paid by Donald Tamcek LLC in the Amount of \$717.30. (Cheryl Green)
- g. Resolution 2010-290 Ordering a Refund of Taxes/Fees/Assessments Paid by David and Debra Gilcrest in the Amount of \$119.68. (Cheryl Green)
- h. Agreement No. DTFH70-10-E-00024 Between U.S Dept of Transportation, Federal Highway Admin. and Lewis and Clark County Public Works Dept. for Lewis & Clark County Forest Highways Surface Preservation & Safety Projects in the Amount of \$4,937,500. Contract Period Ends Sept. 30, 2013. (Audra Zacherl)
- i. Application for Federal Assistance from U.S. Dept. of Interior, BLM, for Noxious Weed Control in the Amount of \$33,000. (Larry Hoffman)
- j. Grant Award Letter from Lewis & Clark Community Foundation for the Lincoln Community Hall Project in the Amount of \$700. (Rebecca Shaw)
- k. Equitable Sharing Agreement and Certification for the Missouri River Drug Task Force Equitable Sharing Fund. (Tammy Potter)
- l. Approval of Public Meeting Minutes - May 4, 6, 11, 13, June 1, and July 22, 2010. (Carole Byrnes)
- m. Cooperative Agreement No. BF-97889401-0 Between Lewis & Clark County and U.S. EPA for Brownfields Assessment Grant in the Amount of \$400,000 for County-Wide Assessment of Hazardous Substance and Petroleum Sites. This grant targets Lincoln, Augusta and the rural communities. (Laura Erikson)

- n. Grant Agreement Between Lewis and Clark County and USDA Utilities Programs for Rural Development FY2010 Solid Waste Management Grant in the Amount of \$56,514.00. The rural development grant is for waste reduction. (Laura Erikson)

Eric Bryson reported on the consent action items and recommended approval.

Item 'b' was pulled for discussion regarding the payment of interest on the tax refund. Cheryl Green reported that DAC Property Investors LLC paid their taxes under protest by filing an AB26 form with the Department of Revenue. That money is held in the protest fund earning interest until a decision by DOR and the County Tax Appeal Board.

No public comments were received.

Commissioner Hunthausen moved approval of the consent action items and authorized the Chair to sign. Commissioner Brown seconded the motion. The motion carried 3-0.

Public Hearing - McDonough Ranch Conservation Easement. (Rebecca Shaw). A proposal to use \$750,000 of the Open Lands bond funds to secure a conservation easement on the McDonough Ranch. The property contains 7,175 acres and is located on the southern end of the Rocky Mountain Front. The sponsoring agencies are the Conservation Fund and the U.S. Fish and Wildlife Service. Decision Date Following 30-day Comment Period: October 7, 2010.

Rebecca Shaw reported that this is the first Open Lands Project under the county's Open Lands Bond of 2008. The easement application and the seven objectives from the Open Lands Bond were reviewed. The Citizen's Advisory Committee held a public hearing on August 24th and voted 10-2 to recommend approval for the expenditure of funds for the McDonough Ranch Conservation Easement. Those not in favor cited lack of public access. The PowerPoint presentation showed the mapped wetland area, scenic and geographic features. The site does conform to the Growth Policy for that area. The financial request is for \$750,000 from the Open Lands Bond.

Public hearing -

Randy Gazda, U.S. Fish and Wildlife Service, Great Falls. The Conservation Fund is providing the bridge to finance this deal because USF&W does not have the funding for this project. A 3:1 ratio was used to determine the \$750,000. A grazing management plan is not part of the perpetual easement but could be a shorter-term agreement with the Ranch. The easement does not require a timber/forest management plan. If the property owner wants to go ahead with a commercial timber sale they would need to hire a professional forester. If Congress appropriates enough money, additional tracts on the Rocky Mountain Front would be purchased for further conservation. An additional 15-20 landowners have an interest in the program.

Eliza Frazer, 410 South Davis, Helena, compared Gallatin, Missoula, and Ravalli counties regarding the average per acre cost of the bond. Lewis and Clark County by

far got the biggest bang for the buck at \$104/acre. This has been an excellent opportunity to partner with USFWS as an active land trust in our area.

Randy Gazda. The easement allows for a one-time subdivision of the property and it needs to be at least 160 acres in size.

Dave Carr, 127 Jefferson, Helena, Rocky Mountain Front Project Director for The Nature Conservancy. Spoke about funding conservation easements.

Rebecca Shaw stated this conservation easement would not change the existing public access road easement that is already on record. The Open Lands Bond money is for creating easements to secure open lands for wildlife, fish, and riparian habitat. If there is also public access, that is an added bonus, but it is not a requirement of the program.

The 30-day comment period will remain open until October 7.

Commissioner Hunthausen moved that a final decision be made on October 12th at our regularly scheduled meeting. Commissioner Brown seconded the motion. The motion carried 3-0.

Contract Extension of Preliminary Plat Approval for the Amended Plat of Lots 11B2A-3, 4 & 5 – Big Valley Subdivision (a.k.a. North Forty Subdivision). (Applicant: Larry Kim Smith) (Planner: Lindsay A. Morgan)

Lindsay Morgan reported that the draft contract would allow for an extension of the preliminary approval period until September 19, 2011. The contract has been reviewed by the County Attorney's Office.

Kim Smith, 7510 Applegate Drive. This agreement takes the place of a tolling agreement and allows both parties more time to resolve the road issues and move forward. He received the draft agreement this morning and would like more time to review it.

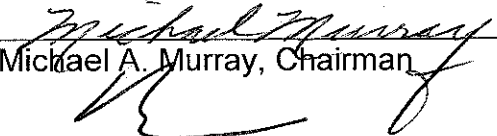
Commissioner Brown cannot support the agreement unless Mr. Smith can provide an incremental payment or guarantee plan.

At Mr. Smith's request, Commissioner Hunthausen moved to table this until Thursday, September 9. Commissioner Brown seconded the motion. The motion carried 3-0.


Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 10:27 a.m.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS

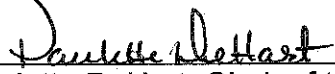


Michael A. Murray, Chairman

Derek Brown


Andy Hunthausen

ATTEST:



Paulette DeHart, Clerk of the Board